



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

February 15, 2007

Mr. Robert Kleinburd
Environmental Project Manager
Federal Highway Administration
300 South New Street
Dover, Delaware 19901

Subject: Draft Environmental Impact Statement for the Delaware Department of Transportation (DelDOT) US 301 Project (CEQ 20060469)

Dear Mr. Kleinburd:

In accordance with the National Environmental Policy Act (NEPA), Section 309 of the Clean Air Act, Section 404 of the Clean Water Act (Section 404), and the Council on Environmental Quality (CEQ) regulations implementing NEPA (40 CFR 1500-1508), the U. S. Environmental Protection Agency (EPA) has reviewed Draft Environmental Impact Statement (DEIS) for the above referenced project. The Draft Environmental Impact Statement (DEIS) was prepared by DelDOT and the Federal Highway Administration (FHWA) in cooperation with the US Army Corp of Engineers, US Fish and Wildlife and the US Environmental Protection Agency (EPA).

The US 301 project proposes to improve and enhance highway safety, manage truck traffic, and address existing and projected traffic congestion in the Delaware portion of the highway, while minimizing environmental impacts and accommodating existing and planned development. The project proposes to provide improved travel conditions for vehicles traveling north/south between US 301 at the Delaware/Maryland state line and points north of the Chesapeake and Delaware Canal via State Road (SR) 896 (Summit Bridge) and SR-1 in Southern New Castle County, Delaware.

Throughout project development, including project planning, scoping, alternatives analysis and alternative selection, DelDOT has provided extensive and ongoing coordination, cooperation and consultation with EPA, as well as other Federal and state resource agencies. DelDOT has embraced the Mid-Atlantic Transportation and Environmental (MATE) streamlining concepts into its project development process which encourages early involvement by the regulatory agencies as a way of avoiding, minimizing and mitigating project impacts during the initial assessment and design phase. As such, the DEIS provides a collaborative assessment of the proposed project.

EPA has evaluated the DEIS for the US 301 Project and has rated the project as an EC-2, environmental concerns, insufficient information. EPA has developed the rating system to evaluate EISs under the NEPA process. A copy of the EPA EIS rating system is enclosed for your information. Further information regarding the rating system can be found at: <http://www.epa.gov/Compliance/nepa/comments/ratings.html>. EPA has based the EC-2 rating for the

project on the limited wetland mitigation as well as the unresolved Ratledge Road area alternative alignment in the DEIS. EPA believes these issues will be resolved final EIS.

In accordance with Section 404 of the Clean Water Act and the procedural considerations of NEPA, EPA requests that the wetland permitting process or the permit decision by the U.S. Army Corps of Engineers be placed on hold and that upon concurrence of the mitigation plan by EPA that the compensation plan be made a condition of permit issuance.

EPA is aware of the ongoing wetland mitigation work and has participated in the initial field work into the assessment of potential wetland mitigation sites. EPA anticipates that this effort will continue and will be included in a compensatory mitigation package. EPA also recommends that DelDOT investigate the use of the following measure to further improve the project:

1. Reducing the impacts of stormwater is a very important consideration for highway transportation projects and an important EPA initiative. If possible the project should implement Low Impact Development techniques and other Best Management Practices that will further reduce the impacts of stormwater runoff

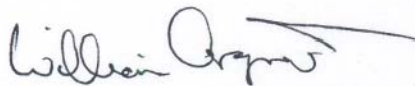
2. Noise mitigation measures should be implemented during construction. These measures may include:

- maintenance of construction equipment and installation of mufflers to reduce noise;
- time of day restrictions on construction and maintenance activities to eliminate noise during those times of day when it is considered to be most objectionable; and
- timing of construction activities to avoid primary breeding and nesting seasons of avian and other affected species.

3. Off-road diesel engine emissions can have a significant impact on air quality. The use of low or ultra-low sulfur fuels, particulate controls and anti-idling measure can drastically reduce air emissions.

EPA recognizes and appreciates the proactive approach taken by DelDOT and FHWA in the development of the DEIS. Thank you for the opportunity to provide comments on the DEIS. Should you have any questions regarding our comments concerning the NEPA process, please contact Kevin Magerr at 215-814-5724.

Sincerely,



William Arguto
NEPA Team Leader

Enclosure

cc: Robert J. Taylor, DelDOT

